

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

8th February 2024

23/00085/OUT - Outline planning application (with all matters reserved except access) for the erection of 15 no. residential dwellings

At: Land off Wild Hill Lane, Hunton, North Yorkshire

On Behalf Of: Rob H Roberts, B Lockey And C Lockey

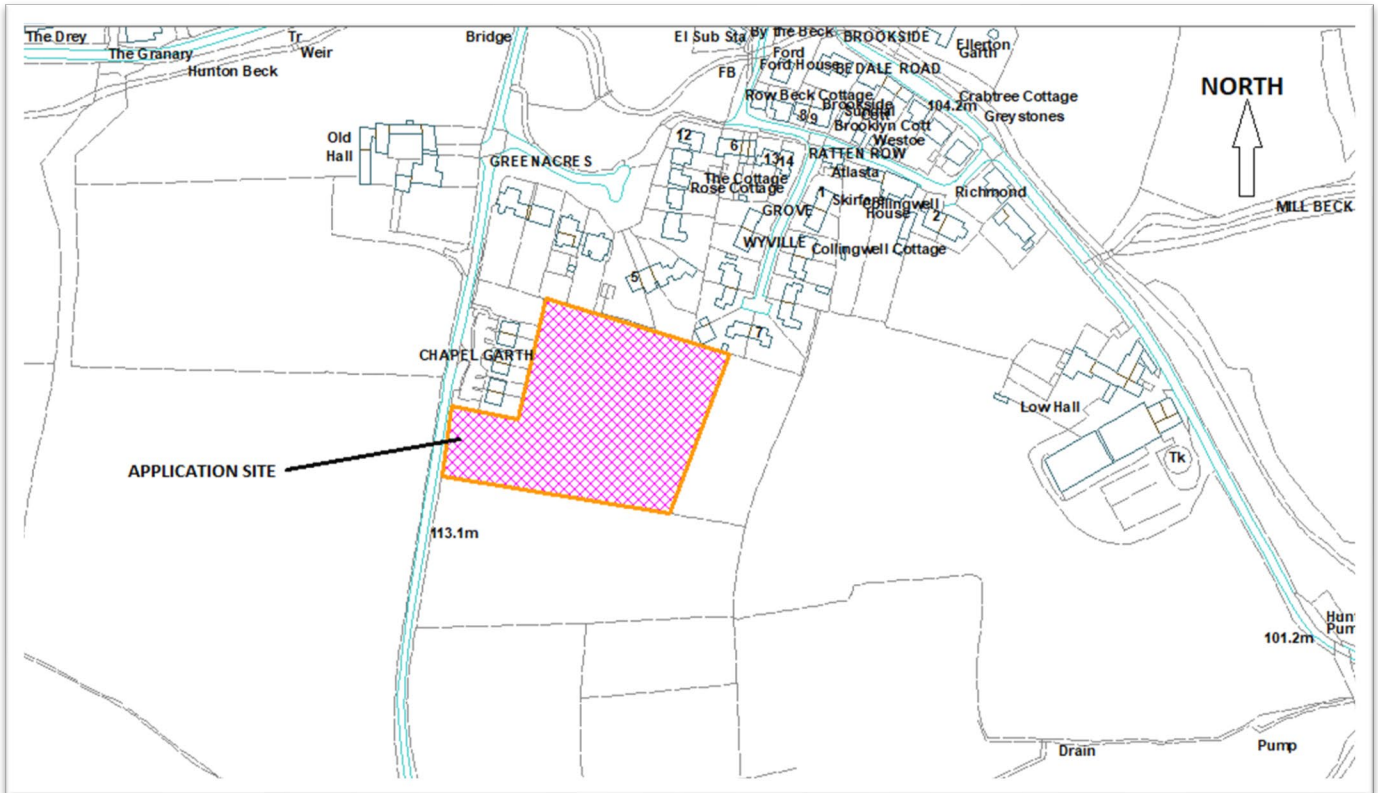
Report of the Corporate Director – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for Outline Planning Application (with All Matters Reserved Except Access) for the Erection of 15 No. Residential Dwellings on land at Land Off Wild Hill Lane, Hunton, North Yorkshire.
- 1.2 This application is brought to planning committee due to raising significant material planning considerations.

2.0 EXECUTIVE SUMMARY

- 2.1 **RECOMMENDATION:** That planning permission be **GRANTED** for the erection of 15 dwellings subject to conditions listed below and completion of a S106 agreement for affordable housing, public open space and a primary school contribution.
- 2.2 The application site is outside and adjacent to the Development Limits of Hunton a Secondary Service Village. The minimum dwelling target for the village has been met, and in accordance with Policy CP4 this housing proposal should be considered on its merits. It is considered that a moderate scheme of 15 dwellings including 40% affordable with very good biodiversity net gain in a location which will not cause significant visual, landscape and amenity harm is acceptable in principle.
- 2.3 Technical matters have been suitably addressed with no statutory consultee objections following receipt of additional information since the application was previously brought to Planning Committee in October 2023.



3.0 REPORT UPDATE FOLLOWING DEFFERAL

- 3.1 This application was originally brought to the Richmond (Yorks) Area Constituency Planning Committee on the 12th of October 2023. The item was subsequently deferred for further clarification on: drainage proposals; access arrangements; educational needs and how any associated contribution would be spent; and the current level of affordable housing in Hunton. Following the meeting there was a flooding event and Lead Local Flood Authority (LLFA) revised their response and objected to the application, requesting further information was submitted.
- 3.2 Further information has been duly submitted by the applicant and consulted on. The recommendation of approval subject to conditions and S106 of the application still remains. The original report continues at Section 4.0 of this report, and an update on the relevant issues and re-consultation is provided below within Section 3.0. The recommended conditions at Section 13 have been updated.

CONSULTATION RESPONSES

- 3.3 Due to receipt of additional and amended information a 21 day re-consultation was undertaken and responses are summarised below.

Hunton Parish Council: Raise further objections to the application. In relation to surface water, the new proposal now shows surface water from the site connecting into the surface water sewer on Greenacres. The outfall then flows directly into Hunton Beck in the middle of the play and recreation area, just upstream of a Zone 3 flood risk area, which will add to

heavy flooding in the centre of the village. This already occurs on regular occasions as is well documented. We believe that allowing further surface water to discharge into the beck is totally unacceptable and will lead to more severe flooding. There are a number of houses along South View and the Bedale Road which are directly affected when the beck floods and residents are unable to obtain any insurance cover. Clearly any increase in the flood risk would be of great concern to them. The beck is a flash flood watercourse, rising by 1.5 metres in the most recent flood event, Oct '23. This development relies on a holding tank with a capacity predicted to contain heavy run-off in the event of a "1:100 year + 40% Climate Change" event. But Hunton already has had significant flooding events most years. This proposal is also further down the SUDS hierarchy as specified in NYC guidance. Note that when application reference 12/00736/Full for the Broadacres Housing Development was considered, Yorkshire Water quoted in their response dated 22nd November 2012 the following; - "The local public sewer network does not have the capacity to accept any discharge of surface water from the proposal site." Nothing has materially altered since then so this statement must still be valid and therefore this proposal should be rejected. The new proposal shows the construction of a new foul water sewer, with this proposal untenable as the land at the end of Greenacres is privately owned and permission would not be granted. Concerns were raised around how drainage could be delivered due to the topography of the site. The current application shows the housing being pushed into the northern edge of the plot which is the lowest point, and the proposal relies heavily on the use of pumped systems maintained by a third-party, private management company. This is a high-risk strategy and given the close proximity of the development to the existing houses on Greenacres could place these properties at risk of pollution/flooding should there be a pump failure or blockage. The odour from these pumps could also be an issue. Their situation, close to existing properties and with pump engines working 24 hours a day is a potential noise nuisance and environmentally damaging. The Broadacres development has a self-packaged sewage system which has failed on a number of occasions and also generates an unpleasant odour during warmer weather. *In relation to the PROW*, that although a public footpath is shown on an OS map it has no link into the village due to the construction of houses on Wyville Grove by RDC some 60+ years ago. The proposal is now to connect into the short length of path at Broadacres but this does not provide a direct link to the village. Despite the developers claims that they are enhancing footpath links to the village there is absolutely no material change. The developers plan which shows the provision of a style on the southern edge of the site to route the path which exists on paper some 500m to the south, and then exiting onto Wild Hill Lane which is single track and has no footpath. This is nonsensical and does nothing to connect the development to the village. *In relation to the Access*, at the Planning Committee meeting, members noted the narrow width of Wild Hill Lane and how agricultural vehicles blocked the road. Given the proposed increase in the number of cars on this development (at least 30, and likely up to 45) and the lack of any robust bus service, there is likely to be a large increase in the volume of traffic movements as residents would need to access local employment, at least six miles distant, and the main shopping areas. The dangers of accessing the main A684 to the south lead existing residents to favour East/West routes out the village and many of the journeys out of this development are likely to pass by the play area, and village hall and the. The road past the school is already very narrow and busy at school times so any significant increase in traffic would cause further disruption and be a risk to road safety. *In relation to site location*, National guidance states that rural development should be in response to local need and the response should most suitably be by rural exception sites, a requirement that was fully met with the Broadacres development. At the time the Broadacres development was being considered it was acknowledged by RDC officers that this was a special exemption site, beyond the designated building line and would not lead to the floodgates opening for larger scale development in the future. On this understanding, the Broadacres 'social housing for rent' development, was welcomed by residents and actively pursued on their behalf by the Parish Council, because it was for local people, who could not afford to buy, it was in keeping with the traditional character of the village, a classic Yorkshire linear settlement, and it was modest in size. *In relation to affordable housing*, the current

application proposes six affordable housing units. It is unclear if these are to purchase or rent but if there is a need within the village then it is for rental properties. It is clear from the current application that a considerable amount of capital expenditure would be required on putting in the required extra infrastructure to allow for pumping sewage and run-off uphill and off the site. This is likely to be a major issue for any developer. Although the affordable housing would be covered by an S106 agreement, we have recent experience that there would be a strong possibility that a future developer would not meet these obligations, either through revocation, or variation of S106. Quite often the penalties for not delivering these requirements are small in comparison with the cost of construction. We would note that a simple search on the Public Access portal shows numerous applications in the NYC area to revoke S106 affordable housing agreements. Cllr Peacock did note that the delivery of affordable housing is vitally important and asked for assurances that the percentage of affordable housing would be protected, but we believe this development would fail to deliver. We have lost a recent opportunity to increase the affordable housing stock within the village when the application number 22/00869/FULL was approved and then the provision of the two affordable units was removed due to changes made by the Planning Committee. We would note that the applicant has included a report which claims to be relevant to Hunton. This is fact a Richmond area report, which has been falsely headed 'Hunton Demand Report' and makes a single reference at the end of an extensive list, to a single let of a one-bedroom bungalow in Hunton with no queue. In summary, this application should be rejected (for reasons as set out in the response) and also that the development does not meet modern sustainable development standards as set out in local and latest national guidance, December 2023. It was noted at the Planning Committee meeting that Hunton had far exceeded its housing targets in the local plan and it was unclear as to why Hunton should be targeted for further significant development. It is clear from the number of objections being raised by local residents and representations at recent Parish Council meetings that there are major concerns around this proposal and these concerns should be fully addressed and not ignored in favour of meeting housing targets. *Photos were also submitted taken in October 2023 to indicate the extent of the flooding in and around the village hall and ford and the play area and also the lack of footpath into the village.*

Lead Local Flood Authority - It is noted that a new drainage route to Broadacres to the north has been proposed and found to the existing highway sewer be in sufficient condition, with agreements in principle for the development site to connect to this system. The LLFA deem this to be an agreeable solution for site drainage and now wish to remove their previous objection. The combined peak flow rate of foul and surface water flows has been stipulated as 3.69l/s which is acceptable to the LLFA. Recommendation – the submitted documents demonstrate a reasonable approach to the management of surface water on the site. Recommend conditions for: Runoff rate, Storage Requirements and Maintenance; Maintenance; Treatment of Surface Water/Pollution Prevention; and Exceedance Flow Routes.

Police and Liaison Officer – No further comments to make (regarding the additional information).

Ecology – As per previous comments, the Biodiversity Metric calculation should be repeated if plans change.

Archaeology - I have no additional observations to make in light of the amendments.

Environmental Health - Amended details do not appear to be relevant to Environmental Health and I therefore have no additional comments to make. Comments submitted dated 10 March 2023 remain relevant.

The Ramblers - The application includes a welcome link to this footpath but currently a link that goes nowhere. The inclusion of a stile (it should be a pedestrian gate) is a token gesture without NYC taking action to open up the remainder of the southern part of the path by signing the path and ensuring landowners clear the current obstructions. Ramblers are prepared to accept, extremely reluctantly, that there is little prospect of providing a link into Wyville Road at the northern end of the site. The route proposed by the applicant. If constructed to acceptable standards, does provide a short circular walk using Wild Hill Lane although a shorter route than available if there a link to Wyville Road. However, the applicant has merely indicated that the pathways provided in the site and the existing verges/ footways (there are sections of footways interspersed with grass verges) on Wild Hill Lane can be used to walk to the village centre. There is some potential to provide some limited footway improvements which NYC should explore but at the expense of the applicant. Consequently, Ramblers repeat their OBJECTION to the original application unless there is agreement that Footpath 20.36/1/1 is reinstated to south of the site facilitated by the developer making a community contribution. The developer should also be required to contribute towards the improvement required to footways on Wild Hill Lane. If these improvements provide a safe solution Ramblers will be minded not to object to the diversion (which will be subject to a separate statutory procedure) proposed by the applicant.

3.4 With regards to additional comments there has been 33 local representations received, all of which object to the application. Some respondents had previously commented on the application and some hadn't previously commented. Previous comments raised have not been summarised again, but new points are below:

- Lack of footpaths and PRow is obstructed and unlikely to become accessible to the north. This is not safe for pedestrians.
- Lack of passing places on a narrow unlit road, safety and passing problem for vehicles and pedestrians.
- Additional homes will negatively impact on the environment and small village we live in.
- Development will increase existing flooding in village particularly around the beck.
- Loss of land which absorbs rainwater
- Foul drainage proposal not possible due to sewer being privately owned.
- Drainage proposal may cause odour and noise (pumps, attenuation, treatment, breaks and blockages)
- The public sewer does not have capacity to accept additional flows as per Yorkshire Water comments 22nd November 2012
- Should the Environment Agency be consulted
- Not close to employment, shopping or medical facilities.
- Local roads are dangerous and congested
- Cllr Jones raised concern about the new road junction and this was not minuted
- Development is isolated and back fill development
- Loss of farmland
- Outside of development limits with adjacent Broadacres development only permitted as an exception site and was constructed in linear form along the road boundary to respect the form of the village. This application does not reflect the linear nature of the main village.
- No evidence for need for more affordable housing. Affordable provision likely to be reduced due to costs. Unclear what the affordable proposals are.
- Little or no employment in the village
- Brownfield sites should be prioritised and are available
- School at capacity and no more room. Concerns being any contribution would end up in the wider education system and not benefit Hunton.
- Children would need private transport for 6th form education.
- Public consultation should have been carried out given the size of the site.
- Recent consultation was too short a time scale.

- Unclear as to how this application will be determined (i.e delegated or planning committee).
- Housing numbers, whilst not a ceiling the Lower Wensleydale area has exceeded its requirements, not in line with national planning policy guidance which states rural development should be in response to local need and the response should most suitably be rural exception sites, a requirement already fulfilled in Hunton. village is unable to sustain the size of the development particularly when there is already planning approval for 16 properties at the top of the village.
- Impact to protected species and other wild life. The endangered European Curlew, currently on the red list, nests each year adjacent to the proposed site. The nesting site would be lost forever should the land be developed.
- The new application says hedges at the proposed new entry would be retained and even enhanced. This is at odds with highways approving the widening of the entrance for site lines purposes. Site lines would not be achieved if hedges remain. In turn this will impact on the biodiversity survey and its final score, when the hedges would inevitably be removed. The indicative site plan proclaims hedges adjoining Chapel Garth to the East would be retained, they don't even exist.

Drainage Proposals

- 3.5 The application originally proposed a surface water outfall to the unnamed watercourse located to the south of the site and this was considered sufficient to recommend approval subject to conditions including a pre-commencement condition to agree the final drainage strategy. Following planning committee there was a rainfall event in October 2024 and flooding was recorded along the unnamed watercourse to the south. The LLFA were alerted to this flooding event and determined the watercourse did not have capacity to accommodate any more flows and raised an objection to this application.
- 3.6 The applicant has reviewed and submitted an alternative drainage solution which does not require the unnamed water course to the south. The application now proposes to discharge to the highways sewer located in Greenacres to the north of the site which in turn lead to Hunton Beck to the north. More specifically, surface water from the site will be initially be pumped to and stored in an underground tank and subsequently discharged at a controlled rate of 3.5 litres per second. A new section of drain is to be laid in Wild Hill Lane before it connects to the existing sewer in the road known as Greenacres which is owned by North Yorkshire Highways but maintained by Broadacres, who have accepted the new connection (this being subject to legal agreement). From Greenacres the sewer then discharges via an existing headwall into Hunton Beck.
- 3.7 The Broadacres highway drainage system has been inspected and found to be in sufficient condition with regards to its structural integrity and capacity to accommodate additional flows from the development, with agreements in principle for the development site to connect to this system. The LLFA have deemed this new approach to be an agreeable solution for site drainage and as such remove their previous objection. A full Micro Drainage model will be required which shows all proposed pipes and manholes for the range of design flood events, and this can be provided at the discharge of conditions stage.
- 3.8 Hunton Beck is susceptible to flooding currently. Rainfall from the application site naturally runs across the application site northwards due to its topography and ends up in Hunton Beck. Infiltration rates for the site are low. The drainage proposal therefore will not increase flows to the beck, but will instead contain surface water and release it at a controlled rate. The LLFA have considered the revised drainage proposal and found it to be acceptable subject to conditions.
- 3.9 In terms of foul water, this was also originally proposed to be discharged to the unnamed back to the south and this is no longer the case. It is proposed that the lower southern plots will drain into a private foul sewer under private driveway and then enters a private foul

water pump. This water then, along with the foul water from the plots to the north which will be gravity fed into a new adoptable foul sewer under the site access, will enter a new adoptable foul sewer under Wild Hill Lane and travels north towards Greenacres. The Foul sewer turns into Greenacres in an easterly direction and continues under a footpath owned by NYC Highways. This then connects to the existing combined sewer on Ratten Row. The connection in terms of the exact location and level will be subject to legal agreement and a condition to ensure this is secured is recommended. At the time of writing the report Yorkshire Water are yet to provide any further comments formally, however as part of the submitted information the agent advises that the connection has been agreed in principle with Yorkshire Water (subject to legal agreement). If further comments are received from Yorkshire Water, this will be provided as an update. A condition is recommended to prevent development commencing until all legal agreement to connect to the off-site sewer system are in place.

- 3.10 Concern has been raised in respect to odour from the foul and surface water drainage systems. This has been discussed with the LLFA verbally whom advised that this is not a common issue with modern systems. In addition, a condition is recommended to require a Telemetry system so that any blockages or system failures are detected quickly and can be dealt with by the management company.

Access Arrangements

- 3.11 Further information was requested specifically regarding access to the site and the extent/usability of public footpaths.
- 3.12 For clarification, there is legal public right of way (20.38/1/1) (PRoW) which runs adjacent and outside the eastern boundary of the application site, however, it is acknowledged and evident on the ground that this is not well used. The PRoW cut off to the north where it meets the boundary of private residential property and a pedestrian could not pass without climbing over a fence and going through a residential properties garden/drive. Outside of this application, the PRoW could be reinstated, but this is outside the control of this application and on balance appears unlikely. The availability for new residents being able to use this PRoW route to access the village is therefore given negligible weight as a material planning consideration. As previously set out within the supplementary report for the October Planning Committee Meeting the reinstatement of this existing PROW is not essential in making the proposal acceptable.
- 3.13 As part of the development the additional information submitted the applicant is prepared confirmed they are prepared to provide a stile to improve accessibility of the PROW to the south. However, this is outside the redline and it is not considered necessary to make the application acceptable. Furthermore, it is not considered necessary to secure this as the PRoW landowners have a legal obligation irrespective of this application to allow access along the PRoW and therefore the Council could pursue this outside of this application.
- 3.14 Moving onto available footpath linkages from the application to the village via Wild Hill Lane to the west, the development proposes a new footpath along Wild Hill Lane to adjoin the existing footpath to the north. It was previously noted within the supplementary report for the October Planning Committee Meeting that the existing footpath ends at the northern point of the entrance into the Old Hall so it is acknowledged that there is a section of circa 45m into the village where there is no formal footpath. However, Highways have not objected to this arrangement and it is not unusual for villages to have some areas without footpaths. Where there are no footpaths, there is also for some extent no highway verge. This means that vehicles would need to slow down and/or move to avoid the pedestrian. Again this is not unusual for a village and highways have not objected.
- 3.15 With regards to the site access and works to the highway, proposal includes widening works around the site access to facilitate the development. It is acknowledged that the

development by its own nature will increase traffic flow it is considered that the proposed works would mitigate any highways risks potentially caused by the development and Highways have raised no objection to the proposal and recommended conditions all of which are included within the recommended conditions list below.

- 3.16 Furthermore, with regards to public transport, as previously noted within the supplementary report for the October Planning Committee Meeting, both bus services are a book in advance service, with Service 30 being run by The Little White Bus and Service 155 by North Yorkshire Council. This situation has not changed. The new residents are very likely to require the use of private vehicles for daily life such as getting to work or older years education, however, this is not unusual for a village in a rural area.

Education

- 3.17 Further clarification was sought regarding the contribution to be made towards education. As previously indicated, a contribution amounting to £63,472.50 for Primary Education improvements to go towards education facilities was sought by NYC Education. This contribution and the amount still remain and would be secured through s106 legal agreement. For clarity, if Hunton and Arrathorne Primary School cannot be expanded or improved for any reason then the contribution may then go towards alternative schools within in the nearest parishes to increase their capacity instead.
- 3.18 At the time of writing this report it is noted that the Hunton and Arrathorne Primary School is currently marginally over-capacity with a maximum of 72 places being exceeded by 6 totalling 78 pupils. However it is worth noting that this data significantly fluctuates and can vary on a termly basis depending on year group sizes and attendees. It is also acknowledged that there are children who attend the school who live elsewhere/ not within the village itself. It may be the case that children from the development if approved and built will go to the village school and other children in the future from nearby villages and town may have to attend a primary school nearer to their home.
- 3.19 It is considered that the above information does not alter the recommendation and would still be considered a merit of the scheme, with the contribution still therefore going towards local education facilities.

Affordable Housing

- 3.20 The application proposes to provide 40% affordable housing on site split 3 first homes/discount market sale and 3 affordable rent. The Planning Committee requested further information on affordable housing in the locality/village and need.
- 3.21 The Rural Housing Enabler confirmed that within Hunton there are 20 existing affordable housing properties (13 of which are over 60 age restricted and owned by NYC with the remainder being owned by Broadacres Housing Association). Broken down, this equates to: 5x 1-bed bungalows (all age restricted); 10x 2-bed houses (5 of which are age restricted); 3x 2-bed bungalows (all age restricted); 2x 3-bed houses.
- 3.22 In terms of affordable housing need, according to the latest data available from North Yorkshire Home Choice, there is a general need for: 39x 1-bed properties; 44x 2-bed properties; 14x 3-bed properties; and 4x 4-bed properties within the Scotton & Lower Wensleydale Ward. There is no information for Hunton specifically.
- 3.23 It is considered therefore that the application will provide a policy compliant affordable housing provision and will in turn contribute towards meeting the identified affordable housing need within the ward.
- 3.24 The Parish Council have raised that affordable housing could be reduced in the future. If such a variation was proposed, this would be a public variation of obligation application with

the opportunity for it to be “called in” or referred to planning committee. Such an application would be considered as any other application. The NPPG sets out that where a proposal complies with up-to-date policies, the assumption should be made that it is viable. It would be unreasonable to require applications to demonstrate complying with the ADP is viable. Whilst build costs have risen since the ADP was adopted, so have sale prices. In addition, other residential schemes which have been reviewed for viability in the preceding 18 months in the ADP area and these found it was viable to provide the policy level of affordable housing.

Response to Consultee Comments - Hedgerows

- 3.25 It has been raised that more hedgerow will require to be removed to facilitate the visibility splays and this is agreed. The hedgerows can be replanted further back, but this means that the overall biodiversity net gain may be slightly lower than quoted later in the report. This is not considered to be a reason for refusal.

New Relevant Planning Appeal Decisions

- 3.26 Since this item was brought to Planning Committee in October 2023 there has been two relevant planning appeals decisions (reference: APP/V2723/W/23/3317682) allowed on 10th November 2023 (attached as Appendix 1). These were for the same site, one a cost appeal, for residential development in a secondary service village within the ADP area. The application had been recommended for approval and Richmondshire District Council’s planning committee overturned the recommendation resolving to refuse the application. It is considered the appeal decisions have similarities to the application scheme and should be given regard to when determining this application.
- 3.27 The appeal development sought Outline permission for 32 houses at a location adjacent to the development limits of Scorton. SP4 sets out that the village along with two other primary service villages within the Central Richmondshire area are expected to accommodate at least 240 dwelling over the plan period, and roughly split, this would require around 80 dwellings per settlement. At the time of appeal decision, 117 dwellings had been approved for Scorton and 409 dwellings cumulatively for the three villages, well in excess of the minimum housing requirements.
- 3.28 The Inspector notes that using the exact policy wording, that the fact the housing figures for the for the village had been exceeded, this would not itself represent a reason to dismiss the appeal. Instead the Inspector noted that Policy CP4 supports development this is of a scale and nature appropriate to secure sustainability of settlements in the defined development limits of the settlement, where deliverable opportunities do not exist within those limits. The Inspector when onto conclude that 148 dwellings for Scorton would not be excessive given the role Scorton within the settlement hierarchy, the level of services and facilities in the village and its proximity to principal town of Richmond and Catterick Garrison.
- 3.29 The appeal scheme related to a Primary Service village in the Central Richmondshire Areas whereas this application relates to a Secondary Service Village in the Lower Wensleydale area. It is therefore, not expected that Hunton is a sustainable location for the same extent of housing growth. However, the appeal has solidified that permission should not be refused due to the settlement target being exceeded. As before, 15 dwellings in addition to the 24 already granted is considered not to be excessive for a secondary service village with some services and facilities and which is 11 minute drive to the principal town of Catterick Garrison.
- 3.30 The allowed Cost appeal is also relevant. The appeal application was refused on highways safety grounds, however, NYC Highways had not raised an objection subject to conditions. Whilst the Inspector acknowledge local knowledge can be an important consideration, any harm needs to be substantiated by clear evidence. Concern has been raised in respect to highway safety and therefore this cost appeal is not dissimilar with no highways objection.

4.0 PRELIMINARY MATTERS

- 4.1. Access to the case file on Public Access can be found here: [Documents for reference 23/00085/OUT: Public Access](#)
- 4.2. The ward member Councillor Jones requested this application to be considered by planning committee which was accepted.
- 4.3. During the course of the application there has been amendments to the proposal including the change of type of affordable housing and the addition of a LAP of 100sqm on-site.
- 4.4. There is no recent or relevant planning history to the application site.

5.0 SITE AND SURROUNDINGS

- 5.1. The application site is located to the south of the settlement of Hunton, with the application site measuring approximately 0.95ha. Access to the site is via Wild Hill Lane to the east. To the northern boundary is residential dwellings and associated curtilage; to the east and south are agricultural fields; and to the west is Wild Hill Lane with agricultural fields beyond, and six dwellings to the north-west (affordable dwellings approved under planning permission reference 12/00736/FULL).
- 5.2. The settlement of Hunton is located in the Lower Wensleydale Sub Area of the Richmondshire district and is classified as a Secondary Service Village within the Settlement Hierarchy of the adopted Local Plan. The market towns of Leyburn and Bedale are located circa 5 miles (to the south-west) and 6 miles to the (south-east) respectively.
- 5.3. The settlement has a population of 431 (Census, 2021) and benefits from a village hall, public house/hotel called The Countryman's Inn, a Methodist Church and a primary school (Hunton and Arrathorne Community Primary School). There are two public bus routes serving Hunton (Service number 30 and 155) which operate on a regular basis connecting the settlement to larger localities including Bedale, Leyburn and Princes Gate, Catterick Garrison.
- 5.4. The site is not located within or adjacent to a Conservation Area. The site is located within Flood Zone 1, with part of the settlement to the north of the site being located within Flood Zones 2 and 3. There are no listed buildings or protected trees on the site. Old Hall & Old Hall Cottage (Grade II listed) and Low Hall (Grade II listed) are located approximately 80m north-west and 135m east respectively. There is a public right of way which runs along the eastern boundary of the application site.

6.0 DESCRIPTION OF PROPOSAL

- 6.1. This application seeks outline planning permission for the erection of 15 dwellings with all matters reserved except access. The Proposed Site Plan (Drawing no. 3333-DEN-ZZ-XX-DR-A-1000) and Outline Soft Landscape Plan (Drawing no. MR22-057/101) (Date Received 10.08.2023) provide an indicative site layout for the proposed scheme.

- 6.2. The scheme is proposed to provide a mixture of 3 bungalows, 8 semi-detached properties and 4 detached dwellings. The housing mix and type is set out in the table below.

Bedrooms	Detached Bungalow	Semi-Detached	Detached	Total
1 bed	0	0	0	0
2 bed	2	4	1	7
3 bed	1	4	1	6
4 bed	0	0	2	2
Totals	3	8	4	15

- 6.3. In terms of affordable housing it is proposed that 6 of the dwellings would be affordable, with the mix agreed for 3 first homes/discount market sale and 3 affordable rent. This equates to a 40% on-site affordable housing contribution (in line with Policy CP6).
- 6.4. With regards to highways, the access to the site would be from a new singular access point off Wild Hill Lane.
- 6.5. A public footpath has been incorporated into the development to provide a link through the development from the existing public right of way which runs to the eastern boundary of the site to the existing footpath which runs along Wild Hill Lane.
- 6.6. The Outline Soft Landscape Plan (Drawing no. MR22-057/101) (date received 10.08.2023) illustrates one way the site could be laid out including: the amenity space for each plot; the proposed open space including a LAP play area; and a strip of land to the east of the site for biodiversity net gain.

7.0 PLANNING POLICY AND GUIDANCE

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 7.2. The Adopted Development Plan for this site is:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Emerging Development Plan – Material Consideration

- 7.3. The Emerging Development Plan for this site is listed below. It is considered of negligible weight due to progress of the Local Plan ceasing with the intention to work towards a North Yorkshire Local Plan from 1st April 2023.

- Richmondshire Local Plan Issues and Options 2021

Guidance - Material Considerations

- 7.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide 2021

8.0 CONSULTATION RESPONSES

- 8.1. The following consultation responses have been received and have been summarised below.
- 8.2. Hunton Parish Council: Objects to the proposal on a number of grounds, namely: the development is not 'local development plan led' in accordance with the first principles of the National Planning Policy Framework. It breaches a number of core policy principles in the local development plan; Core Policy CP3 (land classification); the local infrastructure is not suitable to accommodate the development; climate change and environmental considerations; the proposed development is not sensitive to the local surroundings; and affordable/social housing.
- 8.3. The Byways and Bridleways Trust - Thank you for your notice. Due to the number of notices received, we will not necessarily respond.
- 8.4. LLFA - The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Recommend conditions are attached to any permission granted including: 'Standard Detailed Drainage Design'; 'Runoff rate Storage Requirements and Maintenance'; and 'Outfall Destination/Impact on network'.
- 8.5. NHS: No comments to make, and will not be requesting a S106 contribution.
- 8.6. NYC Archaeology: Advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal.
- 8.7. NYC Ecology: The applicant should adhere to the ecological mitigation measures recommend in section 6.3 of the report. The Biodiversity Net Gain (BNG) report projects large gains for both area-based habitats (+375%) and hedgerows (+664%), which would be very comfortably compliant with policy.

Following amendments: No further comments on the PEA. Satisfied that the explanation regarding the amended landscaping scheme in relation to BNG. Do not need to see a BNG calculation at this stage however if there further amendments to the scheme at reserved matters stage an updated calculation will be required.

- 8.8. NYC Education: Based on the proposed number of dwellings a developer contribution would currently be sought for education facilities should the application be approved, this amounting to £63,472.50 for Primary Education improvements. Developer contributions may also be required towards educational facilities at alternative schools to those shown on the attached pro-forma.
- 8.9. NYC Environmental Health: Considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties and consider that the impact will be low.

Contaminated Land - satisfied that the Environmental assessment report dated 21.11.22 from Envirosolutions confirms that the site is at low risk from contamination, recommends standard condition relating to where contamination is found during the course of the development.

Noise and Dust - The development is close to existing residential properties and has the potential for an adverse impact from noise and dust during the construction phase of the development. Recommends conditions are attached including the submission of a Construction Environmental Management Plan prior to commencement and limits noisy construction works to between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time on Sundays and Bank Holidays.

- 8.10. NYC Highways: Recommends conditions are attached to any permission granted including: 'Detailed Plans of Road and Footway Layout'; 'Construction of Adoptable Roads and Footways'; 'New and altered Private Access'; 'Closing of Existing Access'; 'Visibility Splays'; 'Details of Access, Turning and Parking'; 'Parking for Dwellings'; 'Garage Conversion to Habitable Room'; and 'Construction Phase Management Plan'.
- 8.11. NYC PRoW: Identifies a public right of way which runs within or adjoining the application site. Provides standard advice on where a development may impact on a public right of way.
- 8.12. Police Designing Out Crime Officer: requests further information on specific design and layout of site (boundary treatments, parking, cycle storage, lighting) and management plan for public amenity spaces. Concludes that if the suggestions are incorporated and observations addressed then the development will provide a safe and secure environment by reducing the opportunities for crime and anti-social behaviour. Recommends a condition requiring the full details of crime prevention measures that will be incorporated into the development to be submitted as part of any reserved matters application.
- 8.13. Waste and Streetscene Manager: No response received.
- 8.14. Yorkshire Water: No objections to: The proposed separate systems of drainage on-site with combined off-site; The proposed amount of domestic foul water to be discharged a private packaged treatment plant and discharge into the watercourse through a combined sewer with the surface water from the site; The proposed amount of curtilage surface water to be discharged to the watercourse located south of the site at a restricted rate of 3.0 litres per second; and The proposed points of discharge of combined water to the watercourse will be subject to agreement with the LLFA and NYCC Highways. (All of the above as detailed within the submitted Proposed Drainage Strategy. Consider the Drainage Strategy (Dated May 2023) to be acceptable, in summary the report states: Foul water will discharge to private package treatment plant which will have an eventual outfall to watercourse south of site via a combined connection; Sub-soil conditions do not support the use of soakaways; A watercourse exists near to the site -- connection subject to Environment Agency / Local Land Drainage Authority/ LLFA requirements; and Surface water will discharge to watercourse to the south of the site at a restricted rate of 3.0 litres per second.
- 8.15. Yorkshire Wildlife Trust: No response received.

Local Representations

The Ramblers: Welcome the proposal to provide a pedestrian link from the development to the footpath 20.36/1/1 (located along the eastern boundary). Quotes Parish Council observations in relation to the public footpath with there being no egress onto Wyville Grove and from the site from the north-east. Notes that the southern end is obstructed, and neither ends of the footpath signed. Comments that the Council should take required action to reinstate the footpath with a diversion if needed. However, the developer as a "contribution to the community" should be required, as a condition of any approval, to meet the associated costs.

- 8.16. British Horse Society: No response received.

- 8.17. 18 local representations have been received of which all 18 are objecting to the proposal. A summary of the comments is provided below, however, please see website for full comments.
- 8.18. Objections include:
- Location, scale/size, nature, design, appearance of development / outside of development limits / unsustainable increase / greenfield site / not sensitive to local surroundings
 - Development not plan led and contravenes development plan and national policy.
 - Flood risk/development increases risk of flooding / increase risk in adjacent flood zone 3 areas.
 - Drainage and sewerage concerns / surface water (with information on this being unclear) / Unpleasant odor from existing septic tank that serves the 6 dwellings adjacent to application site, the development potentially could add to this / concerns regarding waste water and ground water / owner will not grant access for sewerage system if it is to run through their land to sewerage treatment plant on Bedale Lane.
 - Highway safety/ Access down narrow road / increase in traffic movements/volume
 - Lack of facilities in village / lack of public transport
 - Impact on biodiversity, existing wildlife, flora/fauna. / Increase in rodents
 - Poor pedestrian access / the existing PROW is blocked/not accessible.
 - Lack of / impact on and strain on existing infrastructure / limited services – limited bus service, no village shop, school at capacity. Strain on roads and waterways.
 - No demand for additional housing
 - Affordable housing need, type of AH not affordable.
 - Loss of privacy (leading to overshadowing)
 - No mains lighting

9.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 9.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

10.0 MAIN ISSUES

- 10.1. The key considerations in the assessment of this application are:
- Principle of development
 - Highways and Access
 - Housing Mix
 - Affordable Housing
 - Public Open Spaces
 - Drainage and Flooding
 - Contamination and Noise
 - Residential Amenity
 - Heritage and Archaeology
 - Landscape Impact
 - Protected Species and Biodiversity Net Gain
 - Energy Efficiency
 - The Public Sector Equality Duty
 - Infrastructure and S106 Legal Agreement

11.0 ASSESSMENT

Principle of Development

- 11.1. The council has a 5-year land supply and therefore the 'titled balance' is not applied.
- 11.2. Spatial Principle SP2 (Settlement Hierarchy) classifies Hunton as a Secondary Service Village, with these settlements being defined as 'Settlements with fewer services that support the needs and sustainability of rural communities'.
- 11.3. Spatial Principle SP4 (Scale and Distribution of Housing Development) then goes on to set out the scale and distribution of housing development, specifically that a minimum of 3,060 dwellings will be delivered in the plan period at a rate 180 dwellings per year of which 12% will be in the Lower Wensleydale Sub Area where the site is located. Secondary Service Villages in the Lower Wensleydale Sub Area (Hunton and the cluster of Finghall-Harmby-Spennithorne) are to accommodate 1.5% of all housing growth, with this equating to 45 dwellings within the plan period which runs to 2028. It is important to note that this figure is the minimum target not the maximum or limit. There has also been a general expectation that this figure of 45 would be apportioned evenly across these settlements but again, the Plan does not stipulate this. To date permission has been granted for 32 dwellings in the cluster of Finghall-Harmby-Spennithorne and a total of 24 in Hunton (14 of which were at Adelphi House located to the north-east of the main settlement along Moor Lane), in total amounting to 56 dwellings in this area. Please note that this figure relates to permissions granted as opposed to actual completions. The Council's Annual Monitoring Report October 2021 details that the target has been met in the Lower Wensleydale Secondary Service Villages, with 45 net completions in this area noted.
- 11.4. Policy SP4 supporting text advises that *"The target of 180 homes each year is not a ceiling for the level of expected growth. It is considered to be realistic, deliverable and therefore an achievable target to address current and future needs. A managed approach will be taken should further suitable, sustainable and deliverable housing sites come forward - they will be considered on their merits"*. For this specific site and proposal it is considered the following are the key factors to consider in the developments merits: (a) is the location suitable; (b) can existing infrastructure accommodate the development; (c) housing numbers in the settlement/ proportion of development; and (d) land use. These key issues are discussed here in the principle of development sub-section.
- (a) is the location suitable
- 11.5. The application site is located to the south of the settlement of Hunton. The northern boundary of the site is adjacent to and abuts the development limit of Hunton as defined by Policy CP4 (Supporting Sites for Development) and the Local Plan Proposals Maps. In this respect the site meets the locational requirements of adopted Local Plan policy.
- 11.6. The site is within a comfortable walking distance to the various services and facilities within the village, this further enhanced by the provision of a footpath link from within the site and connecting to the existing footpath to the north-west as well as the public right of way running to the east.
- (b) can existing infrastructure accommodate the development
- 11.7. The LLFA, NHS, NYC Education, NYC Highways and Yorkshire Water have not objected to the application. NYC Education have requested a contribution to be sought to go towards the improvement of Hunton and Arrathorne Community Primary School (although with flexibility to spend it within the catchment area). The settlement of Hunton benefits from a handful of facilities as detailed in paragraph 4.3. It is considered that the facilities and services available are sufficient to accommodate residential development of the scale proposed.
- (c) housing numbers in the settlement/ proportion of development
- 11.8. As set out in paragraph 4.3, the settlement of Hunton has a population of circa 431 (Census, 2021) and benefits from facilities such as a village hall, a public house/hotel, a

Methodist Church and a primary school. It is considered that a development of 15 dwellings in addition to the already approved 24 dwellings is proportionate to the settlement and not 'excessive' or 'disproportionate' to the villages existing size, form, character and services and facilities. More specifically, it is around a 22% uplift since the 2021 Census.

(d) land use

- 11.9. Policy CP3 sets out that development will be encouraged to utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of high environmental value, in preference to greenfield sites. This has been raised as an objection to the application site given its current use as an agricultural field. However, there are limited brownfield sites within the settlement of Hunton and of those that are there, these are considered unlikely to come forward in the near future. In addition, there not any known brownfield sites which would provide 10 dwelling or more and thus also provide First Homes and affordable rent homes.
- 11.10. In summary, as detailed in paragraph 10.3 it is acknowledged that the minimum target of 45 dwellings within the plan period which runs to 2028 has been met and exceeded. Paragraph 10.4 then goes on to advise that a managed approach will be taken should further suitable, sustainable and deliverable housing sites come forward, with these considered on their merits. As per paragraph 10.5 it is found that the development site meets the locational requirements of adopted policy, being located adjacent to development limits. As per paragraph 10.6 and the relevant sections below it is considered that the existing infrastructure can sufficiently accommodate this level of development, with no objections being raised in this respect by statutory consultees. Further to this, the proposed development would allow for a policy compliant housing mix, a 40% on-site affordable housing contribution, public footpath linkages, a very good net gain in biodiversity and a contribution towards education at the local primary school. It is considered therefore on planning balance that the proposed site, and the cumulative benefits the scheme would bring, would be a suitable, sustainable and deliverable site for housing development. Ultimately, all the positives and negatives of the scheme need to be weighed up in the planning balance which is provided at the end of the assessment at Section 11 of this report.

Highways and Access

- 11.11. Access to the site would be via a new singular access point off Wild Hill Lane to the west of the application site.
- 11.12. Further information has been submitted during the course of the application including further details of the proposed access and footway as requested by NYC Highways, with their requested amendments incorporated into the final design. They have considered off-site road and junction capacity and safety and have found this acceptable. NYC Highways have raised no objection and recommend conditions, these being listed below in the Recommended Conditions section.
- 11.13. NPPF paragraph 111 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. For this proposal, these thresholds are not considered to have been met and are found to accord with adopted Local Plan Policy CP4 and paragraphs 110 and 111 of the NPPF, subject to conditions.
- 11.14. Concerns have been raised by members of the public and The Ramblers Association regarding the existing public right of way access which runs to the east of the application site being blocked/not accessible. As part of this application it is the intention that footpaths through the site are provided which will in turn link the existing public right of way with the existing footpath which runs along Wild Hill Lane to the north. It is considered that the

provision of this pedestrian link would improve existing connectivity and accessibility in this area, and would be in accordance with adopted local plan policy CP4 in this respect.

Housing Mix

- 11.15. Core Policy CP5 expects proposals for housing to take into account local housing requirements across all sectors of the community in terms of size, type and tenure, and also the accessibility and adaptability of dwellings.
- 11.16. The Council's latest Strategic Housing Market Assessment (SHMA) is 2019 and has not been publicly published and therefore has limited weight (age and non public), however, gives a steer on housing needs. This report advises the mix of dwellings: 1- bedroom 9.2%, 2-bedroom (33.6%), 3-bedroom (42.3%) and 4 or more bedroom (14.9%).
- 11.17. The proposal is for 15 dwellings, consisting of 7 two-beds, 6 3-beds and 2 4-beds. This equates to 47% 2 beds, 40% 3-beds and 13% 4-beds on-site. It is considered that the proposed housing mix is acceptable and in accordance with local plan policy CP5. The housing mix as above will be secured via condition.

Affordable Housing

- 11.18. Core Policy CP6 seeks to achieve affordable housing in all developments where there is a net gain in dwellings, generally with the expectation that this contribution being met on site. In the Lower Wensleydale Sub-Area it is expected there be a 40% affordable housing contribution.
- 11.19. The proposal is for 6 affordable units to be provided as part of the scheme, equating to a 40% on-site contribution. According to the submitted planning statement this would be split to 5 x 2-bed properties and 1 x 3-bed property. Provision of 40% affordable housing on-site is in accordance with adopted policy.
- 11.20. In terms of type of affordable housing, Policy CP6 requires 80% to be social rent and 20% intermediate. Originally the scheme proposed for all 6 affordable units to be social rent. Policy CP6 pre-dates the government guidance on First Homes which requires 10% of the overall number of homes for major development to be First Homes. In respect of the mix of affordable, the most recent Strategic Housing Market Assessment (2019 for Richmondshire), albeit unpublished, advises that the need is now 50:50 affordable rent and intermediate. As a result the scheme has been amended so 3 dwellings are to be First Homes (has benefits over intermediate) and 3 are affordable rent. It is considered that this proposed affordable housing mix is therefore acceptable. This will be secured via a S106 agreement should the committee resolve to approve.

Public Open Space

- 11.21. Core Policy CP11 expects new development to include provision of sufficient quality recreational facilities and, where on-site provision is not possible or appropriate, a contribution towards enhancing existing assets will be sought. More specifically, supporting text for Policy CP11 advises that "The Fields In Trust 'Planning and Design for Outdoor Sport and Play' (2008), formerly the National Playing Fields Association "Six Acre Standard", provides minimum national standards for play and recreation space.". This document has been superseded by the Fields in Trust (FiT) "Guidance for Outdoor Sport and Play, Beyond the Six Acre Standard, England, 2020" (FiT 2020 Guidance) which is now used for the purpose of applying Policy CP11. Using this more up to date guidance document there would be a requirement for 752.5sqm of formal outdoor space and 1120sqm of informal outdoor space, totalling 1872.5sqm which is 19.5% of the total site area. Notably the guidance recommends the provision of 87.5sqm of equipped/designated

play area.

- 11.22. The indicative plans show 1,167 sqm of amenity open space to the north and south of the access and another 1,338 sqm of amenity green space to the east of the properties (labelled as Biodiversity Net Gain area), totalling 2,505 sqm. A LAP of 100sqm has been incorporated into the development as recommended by the guidance. It is considered that the proposal provides adequate open space provision and would be in accordance with Core Policy CP11 in this respect. The provision of open space including a detailed layout and future maintenance plan of such open space will be secured via the S106 agreement.

Drainage and Flooding [Paragraphs 11.23 to 11.26 have been superseded, please see Section 3.0]

- 11.23. The site is within Flood Risk Zone 1 the lowest risk of flooding from rivers and seas. As this is a major development the application has been supported by a Drainage Strategy (by Andrew Moseley Associates, 21620-DS-002 Rev 1, Dated May 2023) and subsequently a Drainage Technical Note by Andrew Moseley Associates (21620-Wild Hill Lane, Hunton, Date 16.07.2023).
- 11.24. Within the technical note it is confirmed that both surface water and foul water from the site has been proposed to be discharged to the local watercourse network via an unnamed ditch to the south. The submitted documents also confirm that *'Foul Water from the site will be treated through a packaged treatment plant on site and a combine outfall is formed into the watercourse to the south of the site. The packaged treatment plant will be a Vortex 30 (or similar) which will provide clean effluent - up to 98.9% pollutant reduction. This is through a complete aerobic digestion leaving no odour'*.
- 11.25. The LLFA consider that the submitted documents demonstrate a reasonable approach to the management of surface water on site and recommend a number of conditions be attached to any permission granted, these being listed below in the Recommended Conditions section. The LLFA have requested that, as a condition, the full route of the outfall connection is provided and an assessment of the outfall watercourse condition to confirm the receiving ditch has adequate capacity.
- 11.26. Furthermore, Yorkshire Water have raised no objections to the proposal and are satisfied with the findings and conclusions made within the submitted reports. Subject to all of the above measures, the proposal is considered acceptable with regards drainage and flood prevention and are in general accordance with adopted Local Plan Policy CP3.

Contamination and Noise

- 11.27. An Environmental Assessment Report Phase 1 (Dated 21.11.22) accompanies the application. This has been reviewed by NYCC's Environmental Health who are satisfied with the report which confirms that the site is at low risk from contamination. Notwithstanding this, it has been recommended as a precautionary measure that a condition be imposed requiring remediation of any 'unexpected' contamination found during the course of development.
- 11.28. Furthermore Environmental Health have noted that the development, being close to existing residential properties, has the potential for an adverse impact from noise and dust during the construction phase of the development. During construction, it has been recommended that a Construction Environmental Management Plan (CEMP) be submitted for approval prior to work commencing on site. This would include details of how noise and dust would be managed during construction. In addition, any noisy construction works audible outside of the site boundaries could also be controlled by condition, restricting such activities to between the hours of would only 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays

and at no time on Sundays and Bank Holidays.

- 11.29. Overall, it is considered that the proposal satisfactorily addresses matters relating to contamination and disturbance and would accord with adopted Local Plan Policy CP3 in this respect.

Residential Amenity

- 11.30. There are residential neighbouring properties to the north and north-west of the application site. Environmental Health have considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties to be low. As this is an outline application the more specific details such as design, exact location and orientation of dwellings for example will be a consideration as part of any reserved matters application. Notwithstanding this, the submitted Proposed Site Plan (Drawing no. 3333-DEN-ZZ-XX-DR-A-1000) and Outline Soft Landscape Plan (Drawing no. MR22-057/101) (Date Received 10.08.2023) do provide an indicative layout showing the general locations of dwellings and open space. These plans demonstrate that a suitable level of separation should be able to be achieved between main elevations on the development and those of any surrounding neighbouring properties, and also between main facing elevations and secondary/side elevations.
- 11.31. In addition to this the Outline Soft Landscape Plan (Drawing no. MR22-057/101) (Date Received 10.08.2023) details potential landscaping within the site as well as proposed planting around the periphery of the site, (which would assist in maintaining a satisfactory relationship between the existing properties and the site). Again these details will be finalised as part of any reserved matters application.
- 11.32. For these reasons, it is considered that based on the submitted plans as part of this application and thus any reserved matters scheme coming forward can achieve a suitable level of amenity with the layout, design, positioning and orientation of any dwellings proposed not adversely affecting the outlook or privacy of any residents; either those in the existing neighbouring properties or the new ones that are proposed. Conditions have been added, as listed below in the Recommended Conditions section, including the submission of: a detailed scheme of both hard and soft landscaping for the site; a detailed layout of the open space areas; details of external lighting; and the limitation of dwelling heights being to two storey. It is considered therefore, subject to the conditions as suggested, that the proposal would meet the requirements of adopted Local Plan policy CP4.

Heritage and Archaeology

- 11.33. A Heritage Statement has been submitted as part of the application. The application site is not located within a conservation area and there are no listed buildings on the site. The Heritage Statement confirms that no recorded designated or non-designated built heritage assets fall within the site. The information does identify *'a number of designated assets, as recorded on the National Heritage List for England, fall in relatively close proximity and include the Grade II Listed Buildings the Old Hall and Old Hall Cottage (list entry number 1301780) to the north-west and Low Hall (11314500) and an associated barn (1179782) and granary (1131451) to the east'*. The statement concludes that other designated assets, with them being located within the historic core of Hunton to the north given distancing and intervening existing residential development, would remain unaffected. The statement further identifies the site retains earthwork evidence of ridge and furrow field patterns with this being classified as an undesignated heritage asset.
- 11.34. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest

which it possesses.

- 11.35. The Heritage Statement concludes that the proposed development would have a limited impact upon the visual setting to the Old Hall and the building group at Low Hall. The statement details that the *'visual enclosure of the site to the west and north, along with distancing from the assets, will ensure that the settings, and positive elements within them, of these assets will be sustained. As such minimal harm is assessed subject to detailed consideration of design, material treatment and scale of the new dwellings. Given distancing and mitigation through the arrangement of open space and landscape planting it is considered that development can be achieved without harm to significance'*. The design, material treatment and scale of the new dwellings will be considered and determined at the reserved matters stage, however it is considered likely there will be harm at the lower end of less than substantial and this would be outweighed by the benefits of new housing in a sustainable location.
- 11.36. In terms of undesignated heritage assets and archaeology, as detailed within the Heritage Statement *'the site retains earthwork evidence of ridge and furrow field patterns which continue to the south and these likely date to the later medieval or early modern period. The development will remove these patterns from much of the site although opportunities may arise for some retention within open space and landscape buffer areas. The loss will give rise to a degree of harm although given distancing from the historic settlement core and the existence of other patterns surrounding the village this impact will be relatively localised and minimal in extent and effect'*. A Geophysical Survey OSA Report No. OSA22EV29 (November 2022) has also been submitted as part of the application. The survey itself reveals a large enclosure which would have likely formed part of the medieval plan of the village. The aforementioned enclosure extends to the west and was partly excavated in 2013 in advance of the construction of the properties at Chapel Garths.
- 11.37. NYC Archaeology have reviewed the submitted document and notes that the *'...archaeological features at the development site are of interest as they can shed light on the layout and form of the medieval settlement at Hunton and in particular the uses of what appear to be an outlying plot on the south side of the village. The excavations at the adjacent site indicated that these uses might include agriculture, industry and potentially settlement. Although these remains are of interest they are unlikely to be of such significance as to preclude development provided that further archaeological recording takes place in advance'*. NYC Archaeology have advised that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal, this being listed below in the Recommended Conditions section.
- 11.38. For the reasons as set out above, subject to suggested conditions, the proposal is not considered to be harmful to the setting of those Listed Buildings that are nearby or any archaeological remains. Consequently, the proposal accords with both the Framework and adopted Local Plan policies CP3, CP4 and CP12.

Landscape Impact

- 11.39. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application. The immediate surrounding landscape of the area consists of residential/built up infrastructure in association with Hunton as well as agricultural buildings and farmland. The wider landscape setting generally consists of open agricultural fields with drystone wall enclosures and native hedgerows and trees located along field boundaries. The application site itself is agricultural grassland with a mixture of boundary treatments including native hedgerow, stock proof timber and mesh fencing. The LVIA further describes the site to fall *'gradually towards the north-east with a small embankment into the adjacent field to the eastern boundary. The natural topography of the surrounding landscape is undulating with*

pockets of rises and dips of approximately 40m within the locality to the north, east and south. Open views can be achieved from within the site but are disrupted by existing surrounding built form and mature vegetation. Views of the site can be achieved from the immediate locality and the wider landscape but are again disrupted by existing and mature vegetation, the built form and road infrastructure. It is considered therefore that the proposal would have a limited impact on setting, landscape or approach to the village.

- 11.40. The Outline Soft Landscape Plan (Drawing no. MR22-057/101) (Date Received 10.08.2023) has been developed in accordance with the findings and recommendations of the LVIA and includes for suitable boundary treatment including native hedgerow planting and tree planting. The area to the east of the site is proposed to be a landscape buffer and an area to provide a net gain in biodiversity. It is proposed that the southern boundary will be improved with soft landscape planting with the introduction of a native hedgerow and an area of native whip/scrub planting implemented to create a thick buffer to this boundary.
- 11.41. The precise details of the landscaping of the site will be secured by condition, but the indicative layout and relevant documentation as submitted as part of this application indicate that the proposed development of the site would not have a negative impact on the immediate and wider landscape setting. It is considered therefore that the proposal would be in accordance with adopted local plan policy CP12 in this respect.

Protected Species and Biodiversity Net Gain

- 11.42. Policies CP3 and CP4 of the RLPCS seek to support developments that promote biodiversity and avoid adverse impacts in terms of biodiversity. Accordingly, a Preliminary Ecological Appraisal (PEA) Survey Report (dated 25th October 2022), Biodiversity Net Gain Report (Date December 2022, Updated 01.02.2023) and Ecological Statement Update (Dated 10.08.2023) have been received as part of the application. The PEA concludes that there were no priority habitats recorded within the site boundary and there were no active/inactive nests recorded within the site however noting the hedgerow within the western aspect recorded potential to support breeding birds within the breeding season. With regards to bats, the site was deemed suitable to support minor foraging and commuting grounds within and immediately outside the site however no suitable roosting features were recorded within the site at the time of survey. Furthermore suitable habitat for hedgehog is present throughout the site and connectivity within the immediate environment and adjacent land.
- 11.43. The PEA contains ecological mitigation, compensation and enhancement measures to be incorporated into the proposal. NYC Ecology have recommended that the ecological mitigation measures recommend in section 6.3 of the report should be adhered to, and this secured by condition.
- 11.44. In terms of Biodiversity Net Gain, the submitted BNG Report projects large gains for both area-based habitats 62.37% (a gain of 1.18 units) and hedgerows 440.95% (a gain of 1.27 units) which would be very comfortably compliant with policy. Following amendments to the landscaping, namely the addition of an open space LAP on-site of 100sqm it was confirmed that the BNG score would not alter/would remain applicable. NYC Ecology were satisfied with this explanation and confirmed that if further amendments to the scheme were made at the reserved matters stage then an updated BNG calculation would be sought. This can be secured by way of condition.
- 11.45. Provided the measures that are set out in the submitted documents are incorporated into any final designs, the proposal is, on balance, not considered to have any cumulative impacts on protected species or biodiversity. Furthermore, there is clearly the potential to deliver biodiversity net gain on site and wider improvements out with, the final detail of such would need to be conditioned to be determined at the Reserved Matters Stage. With such

measures in place, the proposal would bring positive benefits to biodiversity in the area and would accord with adopted Local Plan Policies CP3 & CP4 in this regard.

Energy Efficiency

- 11.46. As the application has only been made in outline, there is no detail at this stage regarding energy efficiency or carbon savings. However, as a modern development with no obvious site constraints, there should be no reason why it ought not to be capable of exceeding the requirements of Part L of the Building Regulations as required by Policy CP2. As such, it would be reasonable to impose a condition requiring submission of an energy statement for approval at the reserved matters stage. On this basis, the proposal is considered to generally accord with adopted local plan policy CP2 in this respect.

Infrastructure and S106 Legal Agreement

- 11.47. The NHS have not requested any contributions for health care improvements.
- 11.48. NYC Education have requested a contribution of £63,472.50 to go towards education facilities at Hunton and Arrathorne Community Primary School. This will be secured via a S106 agreement.
- 11.49. NYC Highways have not requested any monies for off-site improvements. However, have requested a footpath to be secured by condition.
- 11.50. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

The Public Sector Equality Duty

- 11.51. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Having regard to these requirements, it is considered that there will be no negative impact to persons who share a relevant protected characteristic.

12.0 PLANNING BALANCE AND CONCLUSION

- 12.1 The development would provide 15 new homes adjacent to the Secondary Service Village of Hunton. The amount would exceed the minimum target for the settlement; however, this would not be an amount which is considered to be excessive or disproportionate to its existing size or position within the settlement hierarchy.
- 12.2 The proposed development would allow for: a policy compliant housing mix; 40% of the proposed being provided as affordable dwellings; adequate open space and provision of a LAP; public footpath linkages from the existing public right of way to the east through the development site and to the existing footpath to the west of the site; a net gain in biodiversity; and a financial contribution towards the improvement of local primary school facilities.

- 12.3 Technical aspects including highways & access, protected species, biodiversity net gain, drainage, flooding and contamination have all been found to be acceptable subject to conditions.
- 12.4 Given the application is for outline consent the details of appearance, landscaping, layout and scale will be considered at the reserved matters stage. From the information provided as part of the application however it can be considered that a scheme can achieve a suitable level of amenity with the layout, design, positioning and orientation of any dwellings proposed not adversely affecting the outlook or privacy of any residents; either those in the existing neighbouring properties or the new ones that are proposed.
- 12.5 The development would not have a negative impact on the immediate and wider landscape setting. The proposal would not have a harmful impact on the setting of nearby Listed Buildings or any archaeological remains.
- 12.6 Having regard to the above, it is considered that the proposal comprises a suitable, sustainable and deliverable housing site which on balance provide a number merits which in turn justify the housing target in this area being exceeded. As such approval of the application is recommended.

13.0 RECOMMENDATION

- 13.1 That outline consent be **GRANTED** for 15 dwellings with details of appearance, landscaping, layout and scale to be reserved matters; subject to conditions listed below and completion of a S106 agreement for affordable housing, public open space and a primary school contribution.

Recommended conditions:

Condition 1 – In accordance with approved plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- (a) Application form and certificate
- (b) Location Plan (Drawing no. 3333-DEN-ZZ-XX-DR-A-1001)
- (c) Proposed Site Plan (Drawing no. 3333-DEN-ZZ-XX-DR-A-1000)(in relation to access position only)
- (d) Biodiversity Net Gain Report (Date December 2022, Updated 01.02.2023)
- (e) Ecological Statement Update (Dated 10.08.2023)
- (f) Drainage Strategy by Andrew Moseley Associates (21620-DS-002 Rev 1, Dated May 2023)
- (g) Drainage Technical Note by Andrew Moseley Associates (21620-Wild Hill Lane, Hunton, Date 16.07.2023)
- (h) Site Access Design (Drawing no. AMA/21620/SK005)
- (i) Site Access Design and Carriageway Widening (AMA/21620/SK004 Rev B)
- (j) Report on a Geophysical Survey OSA Report No. OSA22EV29 (November 2022)
- (k) Preliminary Ecological Appraisal (PEA) Survey Report (dated 25th October 2022)
- (l) Environmental Assessment Report Phase 1 (Dated 21.11.22)
- (m) Highways Supporting Statement (Dated 19.12.2022)

Reason: To ensure the development is carried out in accordance with the approved particulars and plans.

Condition 2 – Reserved Matters

Approval of the details of the appearance, landscaping and layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

With the layout reserved matters existing and proposed site section shall be submitted to the Local Planning Authority.

The layout reserved matters shall include proposals for a pedestrian connection from the new site access to the eastern site boundary to facilitate connection to the existing Public Right of Way to the east of the application site.

Reason: To reserve the rights of the Local Planning Authority with regards to these matters.

Condition 3 – Time Limit

Application(s) for approval of reserved matters of each phase, or part thereof, shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

Condition 4 – Maximum number of dwellings

The development hereby approved is for up to 15 dwellings only.

Reason: To ensure the density of development is appropriate for the site size and configuration together with enabling sufficient levels of residential amenity to be protected and created.

Condition 5 - Drainage Design

With the layout reserved matter application a Drainage Strategy and Plans (for both foul and surface water drainage) shall be submitted to and approved in writing with the Local Planning Authority which accord with standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Principles of sustainable urban drainage shall be employed wherever possible. The Strategy and Plans shall be designed to/include:

A. Restrict the combined (foul and surface water) flowrate from the site to a minimum flowrate of 3.69 litres per second for up to the 1 in 100 year event.

B. Incorporate 45% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development.

C. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.

D. Treatment system for all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems. Roof water shall not pass through the treatment scheme.

E. Exceedance Flow Plan

F. Phasing of the development and phasing of drainage provision, where appropriate.

G. A detailed maintenance and management regime for the drainage system including: drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

H. Telemetry systems to ensure any drainage blockages or systems failures are identified and dealt with in a timely manner.

No part of the development shall be brought into first use until the approved drainage strategy has been delivered in full and in a working condition or in accordance with the approved phasing. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

Condition 6 - Outfall Destination

Prior to commencement of development micro drainage calculations and plans for the off-site drainage system shall be submitted to and approved in writing with the Local Planning Authority. The details shall demonstrate that the system can accommodate flows from the development in the 1 in 100 year rainfall event, plus 45% allowance for climate change and 10% for urban creep. The information shall include details of all pipes and manhole covers.

Further more, development shall not commence until all off-site permissions and agreements have been secured to enable discharge of surface and foul water from the development in perpetuity to the highways sewer located in Greenacres to the north of the application site.

Reason: To ensure there is an outfall connection which can accommodate flows from the development.

Condition 7 - Ecological Mitigation Measures

All ecological mitigation and enhancement measures and works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PEA) Survey Report (dated 25th October 2022) and shall be delivered in full prior to first occupation of the development hereby approved unless alternative mitigation and enhancement measures and first agreed in writing with the Local Planning Authority.

Reason for Condition: To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works are secured.

Condition 8 - Biodiversity Enhancement and Mitigation Plan

No external walls shall be erected until a Biodiversity Enhancement and Mitigation Plan (BEMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall provide an overview of habitat enhancement and creation based upon the recommendations set out in the Preliminary Ecological Appraisal (PEA) Survey Report (dated 25th October 2022) and the Biodiversity Net Gain Report (Date December 2022, Updated 01.02.2023). The BEMP shall include:

- Phasing and timetable for delivery
- 30 years upkeep and monitoring
- Mechanism for 30 years of funding

The development shall take place in complete accordance with the approved details including the 30 years retention, upkeep and monitoring.

Reason: To ensure the full and proper implementation of the approved development in the interests of ecology any protected species.

Condition 9 - Detailed Plans of Road and Footway Layout

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road shall take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads, drains and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

Informative - It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Condition 10 – Construction of Adoptable Roads and Footways

No part of the development shall be brought into first use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

Condition 11 - New and altered Private Access

The development shall not be brought into first use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- The crossing of the highway footway shall be constructed in accordance with the approved details as shown on Drawing Number AMA / 21620 / SK 004 Revision B and Standard Detail Number A1 and the following requirements:
- Details of measures necessary to prevent surface water from the site discharging onto the existing Public Highway shall be agreed with the Local Planning Authority prior to commencement. The measures shall then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Informative: Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

Condition 12 – Closing of Existing Access

The development shall not be brought into first use until the existing access onto Hunton Road has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area.

Condition 13 – Visibility Splays

There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of Hunton Road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres.

Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

Informative: An explanation of the terms used above is available from the Local Highway Authority.

Condition 14 – Details of Access, Turning and Parking

There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Vehicular and cycle parking (to include facilities to charge electric vehicles)
- Appropriately sized turning heads

Prior to the construction of any external walls the vehicle access, parking, manoeuvring and turning areas shall be constructed in accordance with the details approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Informative: The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments.

Condition 15 – Parking for Dwellings

No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

Condition 16 – Garage Conversion to Habitable Room (Removal of PD Right)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garages shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason for Condition: In order to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

Condition 17 - Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site
- An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway
- An area for the storage of all plant and materials used in constructing the development clear of the Public Highway
- Measures to manage the delivery of materials and plant to the site including the location of loading and unloading areas
- A photographic survey to record the condition of the carriageway and adjacent verges of Hunton Road along the entirety of the site frontage and for a distance of 100 metres on each side shall be undertaken before the development commences and submitted to the Planning Authority and the Highway Authority. The survey will be used in order to establish if any damage or degradation to the Publicly Maintainable Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.

Reason: In the interest of public safety and amenity.

Condition 18 - Construction Environmental Management Plan

No development must commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. The parking of contractors, site operatives and visitor's vehicles clear of the highway.
2. Measures to manage the delivery of materials and plant to the site including the routing and timing of deliveries and the location of loading and unloading areas.

3. The provision of areas for the storage of plant and materials used in constructing the development clear of the highway.
4. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
5. The control of noise during construction.
6. Contact details for the responsible person (site manager / office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

Condition 19 - Noisy Construction Hours of Work

Noisy construction works audible outside the site boundary shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time at all on Sundays and Bank Holidays.

Reason: In the interest of public amenity

Condition 20 - Archaeological Mitigation Recording

- (a) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording
 - Community involvement and/or outreach proposals
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- (b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance.

Condition 21 – External Materials

Prior to the erection of the external walls, the materials used in the construction of the external walls, roof and windows shall be submitted to and approved in writing by the Local Planning Authority. A sample of the external wall and roof material shall be made available at site upon request of the Local Planning Authority. The development shall be thereafter be constructed in accordance with the approved materials.

Reason: For the visual amenity of the development locality.

Condition 22 – Height of Dwellings

For the avoidance of any doubt, the details to be submitted in accordance with condition no. 2 shall provide for dwellings to be of a maximum height of two storeys.

Reason: To ensure a satisfactory relationship with surrounding properties and in doing so ensure that there is no unreasonable impact on the privacy and amenity of neighbours; together with creating an appropriate transition from countryside to village.

Condition 23 – Energy Statement

An Energy Statement and Plans shall be submitted to and approved in writing by the Local Planning Authority prior to works above existing ground level. The development shall thereafter take place in full accordance with the approved details and any associated technology for specific plots, installed and made fully functional prior to that plots first occupation. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system such as lower embodied energy, greater energy generation output etc.

Reason: To improve upon Building Regulations Part L (as of date of decision) as required by Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 24 – Hard and Soft Landscaping

No part of the development shall be brought into use until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed scheme of both hard and soft landscaping for the site. Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities when planted; and (where appropriate) details of phasing.

Reason: In the interests of the appearance and biodiversity of the development and to reserve the rights of the Local Planning Authority with regard to this matter.

Condition 25 – Maintenance of Approved Hard and Soft Landscaping Scheme

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

Condition 26 – Housing Mix

The development shall provide a housing mix consisting of no less than 5 x two bedroom properties; no less than 4 x three bedroom properties; and no more than 4 x four bedroom plus properties. One four bedroom dwelling may be swapped with a 5 bedroom dwelling.

Reason: To reserve the rights of the Local Planning Authority with regard to this matter and to ensure the development provides an acceptable housing mix in accordance with adopted local plan policy CP5.

Condition 27 – External Lighting

Details of any external lighting to be used on the site shall first be submitted to, and approved in writing by, the Local Planning Authority prior to its installation. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. Thereafter the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

Reason: To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity, ecology and minimising light pollution.

Condition 28 – Boundary Treatments

Prior to the erection of any external walls (excluding construction related boundary treatment) a Boundary Treatment Plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed before occupation of the adjoining dwelling; or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

Appendices – Appendix 1 – Appeal Decision – 10 November 2023

Target Determination Date: 10 May 2023

Case Officer: Harriet Westwood, harriet.westwood@northyorks.gov.uk



Appeal Decision

Site visit made on 24 October 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/V2723/W/23/3317682

Land East of Bolton Road, Scorton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Booth & Wharfedale Homes against the decision of Richmondshire District Council.
 - The application Ref 20/00770/OUT, dated 14 October 2020, was refused by notice dated 6 February 2023.
 - The development proposed is outline application for residential development.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development at land east of Bolton Road, Scorton in accordance with the terms of the application, Ref 20/00770/OUT, dated 14 October 2020, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr & Mrs Booth & Wharfedale Homes against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. Richmondshire District Council has merged with several councils to form North Yorkshire Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. I have determined the appeal on this basis.
4. The application was submitted in outline with approval of access sought. Detailed matters relating to layout, appearance, landscaping and scale are reserved for future consideration. I have determined the appeal on this basis, treating supporting plans as illustrative.
5. I have received a signed copy of a legal agreement under section 106 of the Town and Country Planning Act 1990 (s106 Agreement). This was completed following the Council's decision on the application.

Main Issues

6. The main issues are:
 - whether the proposed level of housing growth is appropriate with regard to the spatial strategy for the area;

- whether the appeal site would be an acceptable location for housing having regard to the effect on the character and appearance of the area and the accessibility to services and facilities; and
- the effect of the proposal on the safe use of the highway for vehicles and pedestrians.

Reasons

Housing Growth

7. Policy SP2 of the 2014 adopted Richmondshire Local Plan 2012 – 2028 (the Local Plan) sets out the settlement hierarchy for the area. Scorton, along with Brompton on Swale and Catterick Village are the Primary Service Villages in the Central Richmondshire Sub Area. Through Policy SP4 of the Local Plan the Primary Service Villages in this sub area are expected to accommodate 240 dwellings over the Local Plan period to 2028.
8. Both main parties have provided information on housing commitments within the Central Richmondshire Sub Area and Scorton specifically. The Council's evidence identifies that since the Local Plan was adopted, planning permission has been granted for 111 dwellings within or adjacent to Scorton, which is not specifically contested by the appellants. A further permission was granted in October 2023 for five dwellings¹. The Council's view is that this equates to more dwellings than the minimum that the Local Plan is seeking to deliver in Scorton, based on the presumption that the figure of 240 dwellings for the Primary Service Villages is split evenly between the three settlements. However, my attention has not been drawn to any requirement in the Local Plan for the housing figure to be apportioned evenly between the three Primary Service Villages.
9. The Council has provided information on permissions granted in the other two Primary Service Villages². This equates to 47 dwellings in Catterick Village and 245 in Brompton on Swale. On this basis, the Council's position is that, whilst not all of these dwellings may be completed by the end of the Local Plan period, it is very likely that a minimum of 240 will be achieved.
10. The appellants dispute the Council's figures. Their view is that the figures should be 38 dwellings for Catterick Village and 13 for Brompton on Swale, giving a total commitment in the three Primary Service Villages of 162. The appellants have discounted three of the identified sites because of the length of time that has elapsed since outline planning permission was granted and a lack of clear evidence that delivery is imminent. No further evidence is presented for one of these sites in Brompton on Swale at Robin Hood Farm, where outline permission was granted in 2017 for 32 dwellings. However, the Council's evidence highlights that there is a live variation of condition application for the site at land off Gatherley Road in Brompton on Swale (200 houses³) and a live reserved matters application for the site on land north west of Manor House in Catterick Village (9 houses).

¹ application reference 22/00730/FULL

² Appendix A of Council's statement of case and email from the Council dated 18 October 2023

³ Figure in table 2 of appendix A of the Council's Statement of Case amended from 92 to 200 in email from the Council dated 18 October 2023

11. The appellants have highlighted an appeal decision⁴ relating to a site in Barton where the Inspector's view was that the Local Plan's overall housing target is not a ceiling figure but is stated as being realistic and deliverable. The Inspector went on to state that the precise wording of the Local Plan policies does not expressly direct the decision-taker to resist development where the proposed level of housing delivery would be exceeded in one of the Plan's defined sub-area or settlement hierarchy geographies. Rather, the Plan states that a managed approach will be taken should further suitable, sustainable and deliverable housing sites come forward based on their individual merits.
12. I have no reason to take a different view on the interpretation of the policies. Consequently, even if I were to take the Council's higher figures, the fact that the housing figure for the Primary Service Villages may be exceeded would not of itself represent a reason to dismiss the appeal.
13. The supporting text to Policy SP2 of the Local Plan states that a key principle when looking at the scope for future development in the Primary Service Villages is the maintenance of existing or new services. Policy SP3 requires development to be proportionate to the existing settlement size and local service provision. Policy CP4 supports development that is of a scale and nature appropriate to secure the sustainability of settlements in the defined settlement hierarchy which is located adjacent to the defined development limits of the settlement, where deliverable opportunities do not exist within those limits.
14. Based on the Council's figures, if all sites with planning permission in Scorton are built, this would result in 116 dwellings. The appeal scheme would bring this total to 148. In my judgement, this number of dwellings would not be excessive given the role of Scorton in the settlement hierarchy, the level of services and facilities in the village and its proximity to the Principal Towns of Richmond and Catterick Garrison. The proposed development would not therefore prejudice the spatial strategy for the area.
15. Consequently, I conclude that the proposed level of housing growth is appropriate with regard to the spatial strategy for the area. As such, the proposal would accord with Policies SP4 and CP4 of the Local Plan, as summarised above.

Acceptable Location – Character and Appearance

16. The appeal site lies adjacent to the southern part of the village. It falls within an area defined in the 2011 North Yorkshire and York Characterisation Project report as 'Settled Vale Farmland'. Key characteristics are identified as including a patchwork of low lying, predominantly arable fields, often delineated by a network of mature hedgerows; distant visual containment provided by higher Landscape Character Types to the east and west; a strong sense of openness throughout much of the area; and a settlement pattern of villages and dispersed farmsteads between the larger towns.
17. The site comprises an arable field bounded by hedges and single and groups of mature hedgerow trees. It is set within a gently rolling landscape of small fields bounded by hedgerows and isolated trees interspersed with villages and

⁴ Reference APP/V2723/W/21/3287312

- farmsteads. It therefore displays some of the key landscape characteristics of the area.
18. The application is supported by a Landscape and Visual Impact Appraisal⁵ (LVIA). This has used, as guidance, the 'Guidelines for Landscape and Visual Impact Assessment, Third Edition'⁶.
 19. The site does not extend beyond the eastern boundary of the adjacent primary school, but it would extend built development further into the countryside to the south of the village. The LVIA concludes that there would be a slight significance of effect on the character of the area as the development would work within the limits of the field boundary and would be taking place in a landscape character area already affected by human activity. The LVIA considers that the main impact of the development of this site would be on users of Bolton Road looking eastwards towards the site, with the impact judged as minor adverse.
 20. As set out in the LVIA, the main views of the site would be from Bolton Road which runs along the western boundary. The proposed development would not be readily discernible in the wider area due to the screening effect of intervening vegetation and the gently rolling topography which reduces views.
 21. The character of this part of Bolton Road is one of a transition from a built-up area to open countryside. This is due to several factors. When travelling south out of the village, the bend in the road foreshortens views of the countryside beyond. In such views the built form on the west side of Bolton Road is apparent, as is the approach to the cemetery which has several small posts within the highway verge on the approach, and a small hard surfaced car park and lychgate opposite the site. While relatively unobtrusive, the posts, car park and lychgate give an impression of being more associated with the settlement rather than the open countryside. When approaching from the south, the primary school is visible in views.
 22. The retention of the hedgerow along Bolton Road would help to reduce the visual effects of the proposed development from vantage points along the road. A sensitive layout for the dwellings and their gardens, a careful positioning of any areas of open space and additional landscaping within and around the boundary of the site would help to further reduce the landscape and visual effects and allow for a gentle transition between the built form and the countryside to be maintained.
 23. The historic core of the village is around The Green. While there is built development centred around The Green, over time the village has developed outwards from this central core, including southwards along Bolton Road.
 24. The proposal would extend built development closer to Bolton-on-Swale. The area between the two settlements is not specifically protected through a Local Plan policy or specific designation. Nevertheless, it forms a notable gap between the two villages. However, even though the proposal would extend the built form to the south of Scorton, a reasonable separation from Bolton-on-Swale would be maintained. In addition, the woodland just to the north of Bolton-on-Swale provides a notable buffer between the villages which helps to

⁵ Prepared by FDA Landscape Ltd, updated October 2020

⁶ Landscape Institute and the Institute of Environmental Management and Assessment, 2013

maintain a sense of separateness. Consequently, the proposal would not erode the separate identities of the two villages or their sense of place.

25. Overall, therefore, while the proposal would alter the nature of the site, this would not be detrimental to the character and appearance of the area, including the rural setting of the village. Accordingly, I conclude that the site would be an acceptable location for housing having regard to the effect on the character and appearance of the area. As such, the proposal would accord with the requirements of Policy CP4 of the Local Plan which states that development should not impact adversely on the character of the settlement or its setting, important open spaces and views and the character of the landscape amongst other considerations. It would also accord with the design objectives of the National Planning Policy Framework (the Framework).

Acceptable Location – Accessibility to Services and Facilities

26. Scorton has a range of services and facilities. Although the proposed development would be located on the southern edge of the village, the services and facilities would be within a comfortable walking distance. There is a reasonable width of footway between the site and the services and facilities, with street lighting along much of its length and the topography is generally flat.
27. The proposed development would therefore have reasonable connectivity to the local services and facilities including by modes other than the private motor vehicle. Accordingly, I conclude that the site would be an acceptable location for housing with regard to the accessibility to services and facilities. Consequently, the proposal would accord with Policy CP4 of the Local Plan which requires the location of development to be accessible and well related to existing facilities amongst other matters.

Highway Safety

28. The site would be accessed off the B6271 (Bolton Road) through a new access approximately 20 metres to the south of the existing lay-by outside the primary school. Pedestrian accessibility to the proposed development would be provided by two metre wide footways on both sides of the proposed site access road which would link to the existing footway along the eastern side of Bolton Road.
29. I observed the area in the vicinity of the site at school pick up time. During this time several cars were parked along the eastern side of Bolton Road to the south of the primary school for a relatively short period of time. The proposal includes an area on the north side of the proposed site access to be used as a 16 space car park for the school. There would be a footway between this area and the entrance to the primary school. The Transport Statement (TS) submitted with the application recognises that the proposed school parking area would not completely remove on-street parking during school drop off and pick up times, but it would reduce its extent. The appellants also propose a scheme of waiting restrictions around the proposed site access.
30. The TS confirms that the Highway Authority's required visibility splays can be achieved for the access. This would take into account driver visibility for pedestrians, including children. Although a matter for future consideration, the TS confirms that parking provision for the dwellings would be in accordance

with the Highway Authority's minimum parking standards, which also include a requirement for cycle facilities.

31. The Highway Authority has not raised any concerns about the capacity of the highway network to safely accommodate the additional traffic that would be generated by the proposed development. There is no clear evidence before me that would warrant a different conclusion.
32. The proposed development would introduce a new vehicle access near to the primary school and additional vehicle movements. However, given the context set out above, I conclude that the proposal would not have a detrimental effect on the safe use of the highway for vehicles and pedestrians. The proposal would therefore accord with the highway safety requirements of Policy CP3 of the Local Plan and paragraph 110 of the Framework.

Other Considerations

The Equalities Act 2010

33. The Equalities Act 2010 sets out the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is the potential for persons with protected characteristics to be affected by the proposal, particularly if parking restrictions in the vicinity of the primary school were to be introduced. I have given this very careful consideration. In my judgement, the proposal to provide 16 off-street parking spaces for the primary school in a location closer to the school than many of the on-street locations, and my conclusions on highway safety above, would ensure that the proposal would not prejudice anyone with protected characteristics.

S106 Agreement

34. The s106 Agreement includes a number of obligations to come into effect if planning permission is granted. I have considered these in the light of the statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which are restated in paragraph 57 of the Framework.
35. The s106 Agreement would secure a financial contribution towards the expansion of the Bolton on Swale St Mary's Church of England Primary School and land for additional playing field space to address the additional demands on local education facilities arising from the proposed development. The s106 Agreement also includes provision for the car park for the primary school which is necessary in the interests of highway safety.
36. Local Plan Policy CP6 requires 40% affordable dwellings in Central Richmondshire. The s106 Agreement makes provision for this level of affordable housing. Policy CP11 of the Local Plan expects new development to include provision of sufficient quality recreational facilities. The Council identifies that a minimum of 1,200 square metres of public open space would be acceptable for the proposal. Given the nature of the proposed development, I see no reason to take a different view. The s106 Agreement makes provision for this amount of open space to be provided at the site which would include a locally equipped area for play and its management and maintenance.

37. All the requirements in the s106 Agreement would be necessary to make the development acceptable in planning terms.

Other Matters

38. Appropriate measures can be put in place to manage surface water and drainage to ensure that there would be no unacceptable increase in flood risk. The detailed design, including safety measures, would be subject to future consideration.
39. There is no clear evidence that air quality from vehicles using the proposed car park would have a harmful effect on health or quality of life. There is no evidence to suggest that the site is of a high ecological value, or that it would adversely affect the ecological value of Scorton Lakes, and the proposal includes provision for a biodiversity net gain.
40. As set out above, a financial contribution and land for playing field expansion would be given to the primary school relating to additional pupils that would arise from the proposal. No substantive evidence has been presented to demonstrate that other public services or infrastructure have insufficient capacity.
41. None of these other matters alter or outweigh my conclusion on the acceptability of the proposal.

Conditions

42. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
43. In the interests of certainty, the relevant conditions concerning the timescales for the commencement of development, the definition and submission of the reserved matters, and the approved plans are necessary. To confirm the terms of the outline planning permission, a condition is necessary to restrict the development to no more than 32 dwellings.
44. A number of conditions are required prior to commencement of development to ensure that the relevant details are acceptable and compliance with their requirements at a later time could result in unacceptable harm. In the interests of sustainable design and in line with Policy CP2 of the Local Plan, an energy statement is necessary. In line with Policy CP5, a condition requiring details of the housing mix is necessary. A condition requiring details of the construction phase is necessary to ensure that the impacts of construction on the living conditions of existing residents and highway safety are minimised. Details of surface and foul water drainage and percolation testing are necessary to address flood risk. In the interest of public health and safety, a scheme to address land contamination risks is necessary. To protect the archaeological significance of the site, a written scheme of investigation is necessary. A condition to secure appropriate biodiversity mitigation and enhancement of the site is necessary in order to meet the requirements of the Local Plan, the Framework and associated wildlife and habitat legislation.
45. In the interests of the character and appearance of the area, it is necessary to specify a broad location for the public open space and SUDS. To ensure

satisfactory drainage, a condition is necessary to require separate systems of foul and surface water drainage.

46. In the interests of highway safety and to ensure that the highway is constructed to an adoptable standard, conditions are necessary requiring engineering details of the roads; details of accesses, parking and turning arrangements; a timetable for the completion of roadworks; the provision of visibility splays; and details of offsite highways works. To ensure the continued compliance with the Council's parking standards and avoid reliance on on-street parking, a condition is necessary to require that garages are not altered to provide habitable space.

Conclusion

47. The proposal would accord with the development plan as a whole. There are no material considerations of sufficient weight to indicate that permission should be withheld. I therefore conclude that the appeal should be allowed.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan - Y81:1094.01.
- 5) The permission hereby granted provides for a maximum of 32 dwellings to be developed on the site.
- 6) Development shall not commence until an energy statement, confirming how carbon savings are to be delivered with reference to the extent that this will exceed the minimum standards prevailing through Part L of the Building Regulations along with an explanation of why this is the maximum level that would be feasible and viable for this particular proposal, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
- 7) Development shall not commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - a) details of any temporary construction access to the site including measures for removal following completion of construction works;
 - b) details of what steps shall be taken to prevent the emission of dust and noise from the site;
 - c) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - d) the parking of contractors' site operatives and visitor's vehicles clear of the highway;
 - e) areas for storage of plant and materials used in constructing the development clear of the highway;
 - f) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;There shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority beforehand.
- 8) Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SUDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

- 9) Development shall not commence until percolation testing to determine soil infiltration rate are carried out in accordance with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage – manual of good practice (1996) and the results have been submitted to and approved in writing by the Local Planning Authority. The method of test must be relevant to proposed SUDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SUDS relative to existing ground levels. Three percolation tests shall be performed at each trial pit location to determine the infiltration rate. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.
- 10) Development shall not commence until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's land contamination risk management, shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority before any development occurs. The development shall not be first occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
- 11) If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's land contamination risk management, has been submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. The development shall not be first occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
- 12) Development shall not commence until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority in

writing. The scheme shall include an assessment of significance and research questions; and:

- the programme and methodology of site investigation and recording
- community involvement and/or outreach proposals
- the programme for post investigation assessment
- provision to be made for analysis of the site investigation and recording
- provision to be made for publication and dissemination of the analysis and records of the site investigation
- provision to be made for archive deposition of the analysis and records of the site investigation
- nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

The development shall not be first occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

13) Development shall not commence until details of the housing mix has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

14) Development shall not commence until a scheme for biodiversity mitigation and enhancement, including management proposals for the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate a net gain in biodiversity unless it can be demonstrated that it is not possible to achieve. The scheme must be prepared in the context of the recommendations contained within the Biodiversity Net Gain Assessment, December 2022; and the Ecological Impact Assessment, October 2020, prepared by MAB Environment & Ecology Ltd. Thereafter, the site shall be developed and maintained in accordance with the approved management details.

15) Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road shall take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

16) There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site in connection with the construction of the access road or buildings until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses

- vehicular and cycle parking
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.

No part of the development shall be brought into use until the accesses, parking, manoeuvring and turning areas have been constructed in accordance with the approved details. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

- 17) There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site in connection with the construction of the access road or buildings until details of the following off site highway improvement works have been submitted to and approved in writing by the Local Planning Authority:
- a. The introduction of an appropriate system of Waiting Restrictions in and around the junction of the access road into the Development and the B6271.

Within 7 days of the creation of the approved access point onto Bolton Road, notification of the access creation shall be submitted to the Local Planning Authority in writing. The approved off-site highways improvement works shall be completed within 36 months of the creation of the approved access point, unless written confirmation is first obtained in writing by the Local Planning Authority that the approved off-site highways improvement works are not required and/or to agree an alternative timetable. Confirmation of whether the works are required may be submitted 24 months after the access creation, and this will relate to whether a safety hazard has been created in respect of parking.

- 18) The development shall not be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing by the Local Planning Authority before any part of the development is brought into use.

- 19) No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

- 20) The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed five litres per second.

- 21) No piped discharge of surface water from the site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

- 22) Areas of Public Open Space and SUDS shall be positioned along the southern boundary of the site.

- 23) There must be no access or egress by any vehicles between the highway and the site until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), any garage shall not be converted into habitable accommodation without the granting of an appropriate planning permission.



Costs Decision

Site visit made on 24 October 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Costs application in relation to Appeal Ref: APP/V2723/W/23/3317682 Land East of Bolton Road, Scorton

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Booth & Wharfedale Homes for a partial award of costs against Richmondshire District Council.
 - The appeal was against the refusal of planning permission for an outline application for residential development.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Preliminary Matters

2. On 1 April 2023 North Yorkshire Council was created and is now the Local Planning Authority (LPA) for the area previously covered by Richmondshire District Council. The award is necessarily made against its replacement as LPA, North Yorkshire Council.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive.
4. In summary, the applicants argue that the Council has acted unreasonably by including a reason for refusal relating to highway safety without objective evidence to substantiate this.
5. Reason for refusal three relates to a concern about highway safety due to the conflict that would be caused by the proposed access adjacent to the primary school and the associated vehicle and pedestrian movements.
6. General assertions have been made about the safety of the proposed access due to its position close to the school entrance and the additional traffic movements that would result in unsafe arrangements for pedestrians including younger children. This appears to be mainly based on local knowledge and understanding of traffic issues in the area. Local knowledge can be an important consideration, but alleged harm still requires to be substantiated by clear evidence. The Highway Authority did not raise any concerns regarding the safety of road users or pedestrians based on the location of the proposed access and the vehicles movements likely to be generated and was satisfied that appropriate visibility splays could be achieved.

7. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other relevant considerations, the development proposed should not have reasonably been refused for reasons relating to highway safety. Reason for refusal three therefore constitutes unreasonable behaviour contrary to the guidance in the PPG and the applicants have been faced with the unnecessary expense of addressing this matter.
8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the third reason for refusal relating to highway safety and a partial award of costs is therefore warranted.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Yorkshire Council shall pay to Mr & Mrs Booth & Wharfedale Homes, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred relating to reason for refusal three relating to highway safety; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicants are now invited to submit to North Yorkshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

F Wilkinson

INSPECTOR